

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1371 of 2014

IN

Civil Writ Jurisdiction Case No. 8837 of 2012

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Manish Kumar Son of Sri Pawan Kumar Singh, Resident of Village- Bariyarpur,
P.O.- Gubaspur, Bariyarpur, P.S.- Rajapakar, District- Vaishali (Bihar)

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Government of Bihar, Old Secretariat, Patna
2. The Principal Secretary, General Administration Department, Government of Bihar, Old Secretariat, Patna
3. The Principal Secretary, Home Police Department, Government of Bihar, Old Secretariat, Patna
4. The Chairman, Bihar Public Service Commission, Jawaharlal Nehru Marg, Bailey Road, Patna
5. The Examination Controller, Bihar Public Service Commission, Jawaharlal Nehru Marg, Bailey Road, Patna

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sunil Kumar Singh, Advocate
For the Respondent/s	:	Mr. Kumar Manish, SC-5
For the B.P.S.C.	:	Mr. Sanjay Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 27-04-2017

Heard learned counsels for the parties.

The defect of non-impleadment of necessary parties cannot be allowed to be cured in appeal by filing an I. A. No. 721 of 2015.

In addition to that new discovery and materials cannot be used for setting aside an order passed by a Learned Single Judge in a writ application, who had no occasion to deal with those



materials and, therefore, these materials cannot form the basis for declaring an order to be invalid, which requires to be rectified in appeal.

The appeal is dismissed.

However, it is left open to the petitioner to explore ways and means as to how he is going to use his newly acquired knowledge effectively.

The appeal is dismissed, so is the I. A. No. 721 of 2015.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
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